

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
No. 5:16-CV-340-D

GEORGE ANGELO TOBI,)
Plaintiff,)
v.)
NORTH CAROLINA DEPARTMENT OF)
PUBLIC SAFETY, and ANN PRECYTHE,)
Defendants.)

ORDER

On October 18, 2016, defendants moved to dismiss plaintiff's pro se complaint [D.E. 13] and filed a memorandum in support [D.E. 14]. See Fed. R. Civ. P. 12(b)(1), (2), (5), (6). On November 7, 2016, plaintiff responded [D.E. 16].

Plaintiff seeks \$5,000,000 in damages arising from his alleged wrongful discharge from state employment. See [D.E. 7]. Plaintiff's claims are based on North Carolina law. See id.

The Eleventh Amendment bars plaintiff's claims against the state and Ann Precythe in her official capacity. Additionally, the court lacks subject-matter jurisdiction under 28 U.S.C. § 1331 or § 1332. Thus, the court GRANTS defendants' motion to dismiss for lack of subject-matter jurisdiction [D.E. 13].

SO ORDERED. This 28 day of December 2016.



JAMES C. DEVER III
Chief United States District Judge